

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New)
Rule I relating to alternative office)
hours in county offices)

NOTICE OF PUBLIC HEARING ON
PROPOSED ADOPTION

TO: All Concerned Persons

1. On the following dates, at the time and location identified, a public hearing will be held to consider the adoption of the above-stated rule and the proposed hours for each county office, by hearing location:

July 12, 2013, at 10 a.m., in the Granite County Courthouse, located at 220 North Sansome Street, Philipsburg, Montana;

July 15, 2013, at 10:30 a.m., in the Pondera County Commissioner's Office, located at 20 - 4th Street SW, Conrad, Montana;

July 15, 2013, at 1:30 p.m., in the Musselshell County Ambulance Barn, located at 701 - 1st Street East, Roundup, Montana;

July 15, 2013, at 3:30 p.m., in the Liberty County Commissioner's Office, located at 111 First Street East, Chester, Montana;

July 16, 2013, at 9 a.m., in the Blaine County Commissioner's Office, located at 410 Ohio Street, Chinook, Montana;

July 16, 2013, at 9 a.m., in the Petroleum County Courthouse, located at 302 East Main Street, Winnett, Montana;

July 16, 2013, at 2 p.m., in the Garfield County Courthouse, located at 200 West Kramer Street, Jordan, Montana;

July 16, 2013, at 3:30 p.m., in the Judith Basin County Courthouse, located at 91 - 3rd Street North, Stanford, Montana;

July 17, 2013, at 8:30 a.m., in the Daniels County Courthouse, located at 213 Main Street, Scobey, Montana;

July 17, 2013, at 10 a.m., in Golden Valley County at the Fire Hall, located at 105 Kemp Street, Ryegate, Montana;

July 17, 2013, at 1 p.m., in the McCone County Courthouse, located at 1004 C Avenue, Circle, Montana;

July 17, 2013, at 2 p.m., in the Wheatland County Courthouse, located at 201 A Avenue, NW, Harlowton, Montana;

July 18, 2013, at 9 a.m., in the Meagher County Courthouse, located at 15 West Main Street, White Sulphur Springs, Montana;

July 18, 2013, at 9 a.m., in the Prairie County Courthouse, located at 217 West Park Street, Terry, Montana;

July 18, 2013, at 1:30 p.m., in the Broadwater County Courthouse, located at 515 Broadway Street, Townsend, Montana;

July 18, 2013, at 2:30 p.m., in the Carter County Courthouse, located at 214 Park Street, Ekalaka, Montana;

July 19, 2013, at 10 a.m., in the Powder River County Courthouse, located at 119 North Park Avenue, Broadus, Montana; and

July 19, 2013, at 3 p.m., in the Treasure County Courthouse, located at 307

Rapelje Avenue, Hysham, Montana.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in these public hearings or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Revenue no later than 5 p.m., July 1, 2013, to advise us of the nature of the accommodation that you need. Please contact Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-5828; fax (406) 444-4375; or e-mail canderson@mt.gov.

3. The proposed new rule does not replace or modify any section currently found in the Administrative Rules of Montana. The proposed new rule provides as follows:

NEW RULE I ALTERNATIVE COUNTY OFFICE HOURS (1) Section 2-16-117, MCA, requires the department to adopt office hours which are outside of the regular 8 a.m. to 5 p.m. business day and 40-hour business week, as necessary, in county offices where the office is fully staffed with four or fewer employees, and is not available to conduct both office and field work at the same time.

(2) The alternative hours may also include times when a department employee is out of the office for the purposes of providing assistance in another similarly situated county office. Should the office need to temporarily close during the hours described in (3) for an emergency or personal employee leave, the department will provide advance notice to the public of such closures as appropriate.

(3) Counties that meet the conditions provided for in statute are listed below, along with their established alternative hours of operation:

(a) Blaine County Office, open 8 a.m. to 5 p.m. Monday, Wednesday, and Thursday; 8 a.m. to noon Friday; closed Tuesday;

(b) Broadwater County Office, open 8 a.m. to 5 p.m. Monday through Thursday; closed Friday;

(c) Carter County Office, open 8 a.m. to 5 p.m. Monday through Wednesday; closed Thursday and Friday;

(d) Daniels County Office, open 8 a.m. to noon Monday through Wednesday; closed Thursday and Friday;

(e) Garfield County Office, open 8 a.m. to 5 p.m., Monday through Wednesday; closed Thursday and Friday;

(f) Golden Valley County Office, open 8 a.m. to 5 p.m. Monday, Tuesday, and Friday; closed Wednesday and Thursday;

(g) Granite County Office, open 8 a.m. to 5 p.m. Monday, Tuesday, and Thursday; closed Wednesday and Friday;

(h) Judith Basin County Office, open 8 a.m. to 5 p.m. Monday and Wednesday; 8 a.m. to noon Friday, closed Tuesday and Thursday;

(i) Liberty County Office, open 8 a.m. to noon Monday through Friday;

(j) McCone County Office, open 8 a.m. to 5 p.m. Monday through Wednesday; closed Thursday and Friday;

(k) Meagher County Office, open 8 a.m. to 5 p.m. Wednesday; closed Monday, Tuesday, Thursday, and Friday;

- (l) Musselshell County Office, open 8 a.m. to 5 p.m. Monday through Wednesday; closed Thursday and Friday;
 - (m) Petroleum County Office, open 8 a.m. to 5 p.m. Monday, Thursday, and Friday; closed Tuesday and Wednesday;
 - (n) Pondera County Office, open 8 a.m. to noon Monday through Thursday; 8 a.m. to 5 p.m. Friday;
 - (o) Powder River County Office, open 8 a.m. to 5 p.m. Monday, Wednesday, and Thursday; closed Tuesday and Friday;
 - (p) Prairie County Office, open 8 a.m. to 5 p.m. Monday through Wednesday; closed Thursday and Friday;
 - (q) Treasure County Office, open 8 a.m. to 5 p.m. Monday, Wednesday, and Friday; closed Tuesday and Thursday; and
 - (r) Wheatland County Office, open 8 a.m. to 5 p.m. Monday, Tuesday, and Friday; closed Wednesday and Thursday.
- (4) During the months of January and July of each year, the department will publish, in the local newspaper, the office hours for each location stated in (3).

AUTH: 2-16-117, 15-1-201, MCA

IMP: 2-16-117, MCA

REASONABLE NECESSITY: The department is proposing to adopt New Rule I to provide the public with the alternate office schedules for certain county offices where four or fewer full-time employees work. Section 2-16-117, MCA, allows the department to establish alternative office hours for these offices, as needed, in order to provide for a more efficient and balanced means of serving the public. The reason for proposing alternative hours varies by location. A few of the reasons are: (a) the frequent inability in offices with limited staff resources to simultaneously conduct that county's necessary field work in a timely manner while fulfilling the previous statutory requirement to be present in the office between 8 a.m. and 5 p.m. Monday through Friday; (b) providing coverage for another similarly situated office when staff in that office needs to be out or requires additional help due to a workload circumstance; (c) coverage during an employee's use of earned personal leave; and (d) other emergency circumstances.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-5828; fax (406) 444-4375; or e-mail canderson@mt.gov and must be received no later than July 29, 2013.

5. Cleo Anderson and Laurie Logan, Department of Revenue, Director's Office, have been designated to preside over and conduct the hearings.

6. An electronic copy of this notice is available on the department's web site at www.revenue.mt.gov. Select the "Laws and Rules" link in the left hand column, and click on the "Rules" link within to view the options under the "Current Rule Actions – Published Notices" heading. The department strives to make the

electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

7. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 4 above or faxed to the office at (406) 444-4375, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

8. The small business impact study requirements of 2-4-111, MCA, do not apply.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor of Senate Bill 75, L. 2011, Senator Jon Sonju, was notified by regular mail on September 15, 2011, and subsequently notified on June 5, 2013.

/s/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Alan B. Peura
MIKE KADAS
Director of Revenue

Certified to the Secretary of State June 10, 2013